

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA

v.

PAULETTE MARTIN

No. 07-4060
(07-4059-L)

* * * * *

MOTION TO RESCIND BRIEFING ORDER

Comes now Appellant herein, Paulette Martin, by and through her counsel, Michael D. Montemarano, Esq., and Michael D. Montemarano, P.A., as appointed counsel pursuant to the CJA, and as lead counsel in this joint appeal, and does move on behalf of Appellant Lanora Ali to rescind the briefing order previously issued in this matter, and on behalf of certain other Appellants does move for appropriate relief, and in support thereof does state:

1. This Court previously has rescinded the briefing order on April 16, 2010.
2. This delay was ordered by the Court pending the resolution of the *Motion for Temporary Stay of Appeal*, filed on behalf of four of the Appellants herein on April 15, 2010. The government filed a response to this *Motion, etc.*, on April 16, 2010.
3. Subsequent to the filing of the *Motion, etc.*, counsel for Appellant was informed by counsel for Appellant Ali that the transcript of Ali's sentencing, which took place on December 19, 2006, was not in his possession. Ali intends to challenge her sentence as part of this joint appeal.
4. The Office of the Clerk has informed undersigned counsel that there may have been a problem in this matter resulting from the format in which the transcript previously was ordered. The transcript has been ordered by counsel for Ali, using the Court's appropriate forms, this date.

5. Accordingly, Appellants request that the briefing order be rescinded for a period of at least 30 days, to permit time for the preparation and review of this transcript.

6. Counsel for Appellant is authorized to state that counsel for Appellee, Assistant United States Attorney Deborah Johnston, consents to the grant of the requested relief.

Respectfully submitted,

April 19, 2010

/s/

MICHAEL D. MONTEMARANO

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For Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on or before this 19th day of April, 2010, a copy of the foregoing *Motion to Rescind Briefing Order* was filed via CM-ECF, and served via direct email, on Deborah Johnston, Assistant United States Attorney, 400 US Courthouse, 6500 Cherrywood Lane, Greenbelt, MD 20770, counsel for Appellee.

/s/

MICHAEL D. MONTEMARANO